

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 22-24 and 26-29 are pending in the present application. Claims 22-24, 26, 27, and 29 are the independent claims.

Claims 25 and 30 have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 23, 24, 26, 27, and 29 have been amended. No new matter is believed to have been added.

Initially, Applicant acknowledges with appreciation the indication that claim 22 is allowed and that claims 24 and 27-29 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicant has not amended allowed claim 22 and respectfully submits that claim 22 should remain allowed. By the present Amendment, however, claims 24, 27, and 29 have been rewritten in independent form to include all of the features of their respective base claims, there being no intervening claims. Claim 28 depends from claim 27. Thus, it is respectfully submitted that claims 24 and 27-29 are now in allowable form.

Claims 23 and 26 stand rejected under 35 U.S.C. § 102(e) as anticipated U.S. Patent No. 6,008,935 (Fujita et al.). Claims 25 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Fujita et al. in view of U.S. Patent No. 6,466,345 (Bousselet et al.). All rejections are respectfully traversed.

Independent claim 23 recites, inter alia, a light-equalizing filter connected with a tunable optical filter and peak-value detection means for detecting peak values of light output from the light-equalizing filter.

Independent claim 26 recites, inter alia, a light-equalizing filter connected with a tunable optical filter and peak detection means for detecting peaks of light output from the light-equalizing filter.

It is to be appreciated that claims 23 and 26 have been amended to respectively recite features based on those of cancelled claims 25 and 30.

However, it is respectfully submitted that neither Fujita et al. nor Bousselet et al. disclose at least the aforementioned features of independent claims 23 and 26. Thus, without conceding the propriety of the asserted combination, the asserted combination is likewise deficient, even in view of the knowledge of one ordinarily skilled in the art.

By the aforementioned features, a light-equalizing filter is located between a tunable optical fiber and a peak-value detection means. As a result, even if spectrums of the wavelengths output from the tunable optical filter are identical, accurate detection of the peak values of the wavelengths can be achieved and performance enhanced.

The Office Action concedes that the primary citation to Fujita et al. does not disclose the aforementioned features. (Office Action, page 4).

The secondary citation to Bousselet et al. relates to a multiple wavelength source and expressly teaches a source including a filter 7 between two sections of spontaneous emission amplifying optical fiber 5 and 6. (Bousselet et al., Fig. 1, Col. 2, lines 45-55). Thus, Bousselet et al. does not even suggest the aforementioned features of independent claims 23 and 26. This absence is not surprising since Bousselet et al. neither recognizes a solution to the aforementioned problem nor achieves the aforementioned advantages.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 23 and 26 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 1-23-07

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